REMARKS

Claims 1, 3-10, 12-13, and 15-27 are now pending in the present application. Claims 2, 11 and 14 have been cancelled and claims 1, 3-10, 13, and 15 have been amended. New claims 16-27 have been added.

Applicant has carefully studied the outstanding Office Action. The present Response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of this application are respectfully requested. No new matter has been added by any of the amendments to the specification. Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections in view of the foregoing amendments and following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1-2, 10-11, 13-14

The Examiner has rejected claims 1-2, 10-11, and 13-14 under 35 U.S.C. § 102(e) as being anticipated by Thompson et al. (U.S. Patent Application No. 2002/0073086 A1). The Examiner has stated that:

> **As per claims 1, 10, and 13**, Thompson et al. ['086] discloses a system comprising:
>
> accessing a content aggregator (¶ 0052, lines 1-13);
> transmitting a query to the content aggregator (¶ 0047, lines 1-2); and
> transmitting the query from the content aggregator to a remote agent (¶ 0061, lines 12).
>
> **As per claims 2, 11, and 14**, the method of claim 1, Thompson et al. ['086] further comprising:
>
> searching a network for content responsive to the query via the remote agent (¶ 0061, lines 13-14);
> transmitting the content from the remote agent to the content aggregator (¶ 0061, line 15);
> processing the content by the aggregator (¶ 0061, line 16); and
> transmitting the processed content to a client (¶ 0061, line 17).

Claims 1-2, 10-11, and 13-14, as amended, are novel despite the teachings of Thompson et al. '086. Claims 2, 11 and 14 have been cancelled. Claims 1, 10, and 13 have each been amended to incorporate the limitations of original claims 2, 11, and 14, respectively; and further distinguish the invention respectively claimed from the one disclosed in Thompson et al. '086. Contrary to Examiner's assertion, the Thompson et al. '086 invention does not process the search

results in a like manner to that disclosed in the present application. Whereas the Thompson et al. '086 simply aggregates the results (*i.e.*, combines or cumulates the individual results into a sum total), the aggregator of the present invention processes and condenses using rules and standards unique set by each client user. For example, as illustrated in Figs. 11 and 12 (below), the aggregator of the Thompson et al. '086 system simply cumulates the individual results prior to

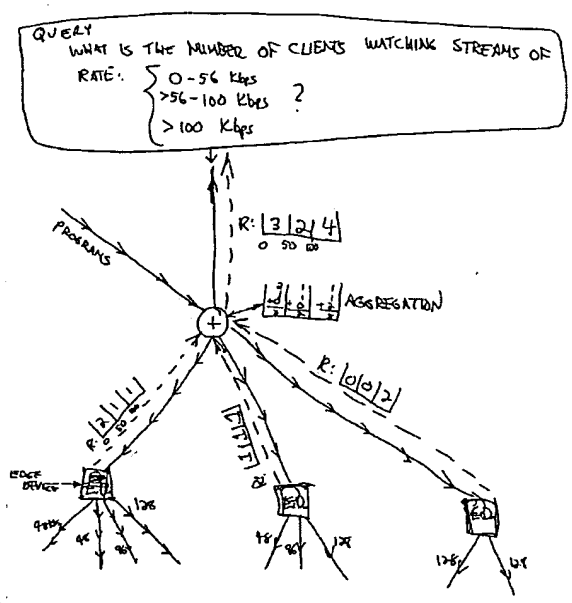

Fig. 11

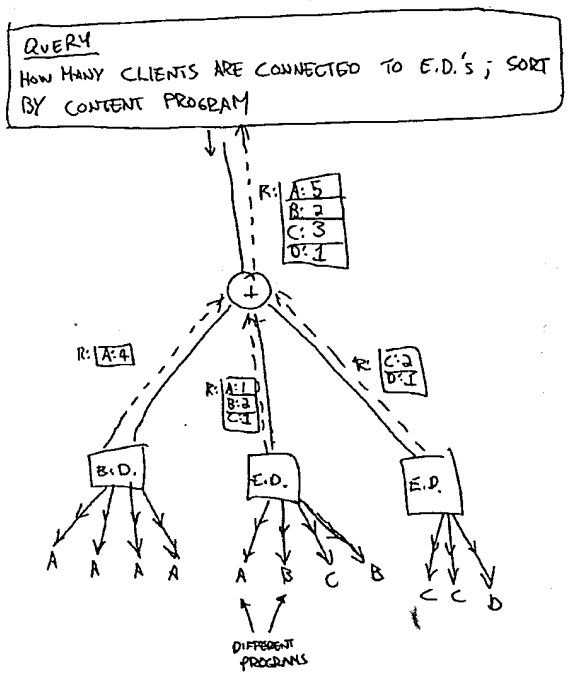

FIG. 12

transmitting an aggregated total result to the client. In contrast, the aggregator of the present invention processes the individual search results by analyzing and culling information which is not relevant to the query posed by the client prior to transmitting the condensed information to the client.

Rejection under §102 for anticipation requires that the single reference teach each and every element or step of the rejected claim. *See, Atlas Powder v. E.I. DuPont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984). A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Thompson et al. '086 does not show every element of the present invention as claimed in amended claims 1, 10, and 13, and therefore, does not anticipate the claimed

invention. Thus, a rejection under 35 U.S.C. § 102 is not improper. Applicant respectfully requests Examiner to withdraw this rejection.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

Claims 2-9, 12, and 15

The Examiner rejected claims 2-9, 12, and 15 under 35 U.S.C. §103(a), as being unpatentable over Thompson et al. (U.S. Patent Application No. 2002/0073086 A1) in view of Eisendrath et al. (U.S. Patent No. 6,347,333 B2). The Examiner has stated that:

> **As per claim 3**, the method of claim 2, Thompson et al. ['086] does not explicitly teach wherein the remote agent is located on the learning resource provider and a content provider network. However, Eisendrath et al. ['333] teaches the remote agent is located on a learning resource provider (course catalog) and a content provider (virtual university) computer network (online campus) (col. 6, line 27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to search for information in different resources through the network because it reduces the network connection congestion and bandwidth usages (Thompson, ¶ 0074-0075).
>
> **As per claims 4**, the method of claim 2, Eisendrath et al. ['333] teaches wherein the content aggregator processes the content by statistically weighting at least one variable based on an academic institution, content price, content credit, content subject, or content location (col. 1, lines 14-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to search for information in different resources through the network because it reduces the network connection congestion and bandwidth usages (Thompson, ¶ 0074-0075).
>
> **As per claim 5**, the method of claim 2, Eisendrath et al. ['333] teaches wherein the content aggregator monitors academic credit required by the client (col. 8, lines 50-52).
>
> **As per claim 6**, the method of claim 2, Eisendrath et al. ['333] teaches wherein the content aggregator provides incentives to the client for purchasing, content from at least one learning resource provider (col. 2, line 55).
>
> **As per claims 7-9**, the method of claim 2, Eisendrath et al. ['333] teaches wherein the content aggregator receives a discount from a learning resource provider based on the amount of content received by the client, the content aggregator receives a discount from a content provider based on the amount of content received by the client, the client receives a discount from the aggregator based on the amount of content received by the client (col. 8, lines 38-50).
>
> **Claims 12 and 15** have similar limitations as to claims 4; therefore, they are rejected by the same subject matter.

This rejection is respectfully traversed. Claims 2, 11 and 14 have been cancelled. Claims 1, 10, and 13 have each been amended to incorporate the limitations of original claims 2, 11, and 14, respectively. Moreover, claims 3-9 and 15 have also been amended to further distinguish the invention respectively claimed from the one disclosed in Thompson et al. '086. Claims 2-9, 12, and 15, as amended, are non-obviousness despite the teachings of Thompson et al. '086 in view

of Eisendrath et al. '333. The prior art cited by Examiner does not, either alone or in combination, teach or disclose every element of Applicant's invention.

As shown previously, the Thompson et al. '086 invention does not process the search results in a like manner to that disclosed in the present application. Whereas the Thompson et al. '086 simply aggregates the results (*i.e.*, combines or cumulates the individual results into a sum total), the aggregator of the present invention processes and condenses using rules and standards unique set by each client user. The Eisendrath et al. '333 invention is directed at a single virtual campus. While some of the individual functionalities are similar to those illustrated in the specification of the subject invention, the system of the subject invention is able to access a plurality of content provider and learning resource vendor networks — any one of which might include the functionality of the Eisendrath et al. '333 system — search each of the networks for content responsive to a search query using a remote agent software connected to the individual network, process the plurality of resulting search results into a processed information content by applying rules and standards designated by a client, and transmit the processed information content to the client.

It is well established that as a part Examiner's burden to establish a *prima facie* case of obviousness, Examiner is required to show that the referenced teachings "appear to have suggested the claim subject matter." *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143, 147 (C.C.P.A. 1976). As stated by the Federal Circuit, "Obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination." *In re Geiger*, 815 F.2d 683, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). Neither Thompson et al. '086 nor Eisendrath et al. '333, either alone or in combination, teach or disclose every element of Applicant's invention. Examiner's failure to provide the necessary suggestion or motivation for the combination of Thompson et al. '086 and Eisendrath et al. '333 creates a presumption that the combination selected by Examiner to support the obviousness rejection is based on hindsight. Examiner has not established a *prima facie* case of obviousness, and the rejection of claims 2-9, 12, and 15 should be withdrawn.

CONCLUSION

Applicant has adopted the Examiner's suggestions and believes the claims are in condition for allowance. It is respectfully urged that the subject application is patentable over references cited by Examiner and is now in condition for allowance. Applicant requests consideration of the application and allowance of the claims. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact David W. Carstens at 972.367.2001.

The Commissioner is hereby authorized to charge any additional payments that may be due for additional claims to Deposit Account 50-0392.

Respectfully submitted,

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